

REMARKS

This Response, submitted in reply to the Office Action dated April 2, 2007, is believed to be fully responsive to each point of rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1, 2, 4-8 and 10-15 are all the claims pending in the application.

I. Claim Rejections under 35 U.S.C. § 102(e)

Claims 1, 2, 4, 7, 8, 10 and 12-15 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Sharma et al. (U.S. Patent No. 7,136,382; hereinafter “Sharma ‘382”).

Applicant notes that Sharma ‘382 does not qualify as prior art. Specifically, Sharma ‘382 was filed on August 24, 2001 and published on November 14, 2006. Applicant’s application was filed on February 28, 2002 and claims priority to EP Application No. 01440082.4 which was filed on March 22, 2001. Applicant notes that a copy of EP Application No. 01440082.4, which is in English, was filed on February 28, 2002. Therefore, Applicant has perfected a claim to foreign priority. Therefore, since the filing date of Sharma ‘382 (August 24, 2001) is after the priority date of the present application (March 22, 2001), Sharma ‘382 does not qualify as prior art under 35 U.S.C. § 102.

In addition, although Sharma ‘382 has a related Provisional Application No. 60/227,882 (hereinafter “Sharma ‘882”) filed on August 25, 2000, the provisional application Sharma ‘882 does not contain the subject matter of Sharma ‘382 cited by the Examiner. Specifically, Sharma ‘882 does not disclose, for example, the routing flow ID module 402 and the scheduler 406 of Sharma ‘382.

In view of the forgoing, Applicant submits that Sharma '382 does not qualify as prior art. Therefore, the rejection of claims 1, 2, 4, 7, 8, 10 and 12-15 in view of Sharma '382 should be withdrawn.

Claims 5 and 6 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Matsuzawa et al. (U.S. Pub. No. 2003/0067929; hereinafter "Matsuzawa").

As a preliminary matter, Applicant submits that where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it. (MPEP 707.07(f) "Answer All Materials Traversed"). Applicant notes that the Examiner did not address Applicant's arguments with respect to the Examiner's rejection of Claim 5 as submitted in the Amendment filed March 13, 2007. Consequently, Applicant respectfully requests that the Examiner address all Applicants' arguments as submitted in the Amendment filed March 13, 2007, which Applicant incorporates by reference.

Claim 5 recites, *inter alia*:

"wherein said first analyser is coupled to said processor for, in dependence of an analysis result of said first information, selecting at least one output and switching at least a part of said signal to said selected output or performing said processing, **with said first information comprising non-address information**, and with said second information comprising address information defining said second network-unit"

The Examiner believes that Matsuzawa anticipates Claim 5. Applicant respectfully disagrees. The Examiner states that the first field is taught by the cut-through label identifier depicted in Figure 1 of Matsuzawa. The cut-through label identifier is comprised of the cut-through declarator 101, flow identifier 102, and the link address 103 (Matsuzawa; page 6, paragraphs, 0072-0073; figure 1). The function of the cut-through declarator 101 is **to direct** the packet, in which it is contained, to a cut-through networking scheme rather than ordinary

networking scheme (Matsuzawa; page 5, paragraph 0070). The flow identifier 102 allows the router or host to identify the packet flow in the datalink layer (Matsuzawa; page 6, paragraph 0072). The link address 103 **corresponds to the destination MAC address or the source MAC address** (Matsuzawa; page 6, paragraph 0076). Therefore, the cut-through identifier contains address information of the packet (Matsuzawa; page 6, paragraph 0075). The cut-through identifier in Figure 1 of Matsuzawa also corresponds to the cut-through declarator 206 of the OUI field depicted in Figure 2 of Matsuzawa (Matsuzawa; page 6, paragraph 0080). Therefore, the cut-through label identifier and the cut-through declarator 206 contain address information. Claim 5 recites **“with said first information comprising non-address information.”** Therefore, Matsuzawa does not anticipate Claim 5.

For at least the above reasons, Claim 5 and its dependant claim should be deemed allowable. Therefore, Applicant requests that the Examiner withdraw the 35 U.S.C. § 102(e) rejection of claims 5 and 6.

II. Allowable Subject Matter

The Examiner has indicated that Claim 11 contains allowable subject matter and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. At the present time, Applicant has not rewritten Claim 11 in independent form since Applicant believes that Claim 11 should be deemed allowable due to its dependence on Claim 1 for the reasons set forth above.

III. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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Date: July 30, 2007